REMARKS

Reconsideration of the application is requested in view of the above amendments and the follow remarks. Claims 1, 20, 22 and 25 have been amended to correct formal matters only and have not been made to overcome the art of record. No new matter has been added.

Claim Objections

Claims 1, 20, 22 and 25 were objected to for several informalities. As noted above, these claims have been amended to address these formal issues.

§ 102 Rejection

Claims 1-9, 12, 17-20 and 23-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Linares (US 6,546,765). Applicant respectfully traverses this rejection.

Linares discloses a latch with a safety lock feature 10 having a handle 12 with a shank 28. The shank has a terminal threaded end 30. The end 30 extends through an opening 24 in an escutcheon 14 and is coupled with a nut 74 to secure the handle 12 and shank 28 relative to the escutcheon 14 in a fixed axial position (see Figures 1 and 6 of Linares). Once the shank 28 has been secured to the escutcheon 14, none of the components of the lock feature 10 move in an axial direction; that is, the direction parallel to a longitudinal axis of the shank 28 and the direction in which the shank moves to enter opening 24.

The lock feature 10 also includes a lock plug 16 that is inserted within a recess 34 in the handle 12. The recess 34 is coaxial with the shank 28 and sized to rotatably receive the lock plug 16. An end of the lock plug includes recesses 44 and unrecessed areas 90. The unrecessed areas 90 engage ball bearings 20 that are positioned within ball bearing holes 32 at an end of the shank 28. When the unrecessed areas 90 are engaging the bearings 20, the bearings 20 held in bearing pockets 92 formed in the escutcheon plate 14, which prevents rotational movement of the handle 12 relative to the escutcheon 14. Upon rotation of the plug 16 with a key, the recessed areas 44 are rotated into alignment with the bearings 20 to permit retraction of the bearings 20 from the bearing pockets 92, thus allowing the handle 12 to rotate relative to the escutcheon plate 14. A torsion spring 18 is used to bias the plug 16 into a "locking" rotated position in which the unrecessed portions 90 are in engagement with the bearings 20.

The rejection points to Figures 10 and 12 of Linares as well as the description at column 3, line 29 to column 4, line 19 as providing a description of a locking member that is actuated by axially moving between first and second positions using, for example, pushing and pulling of the locking member relative to an escutcheon plate. However, Linares fails to disclose such axial movement. Once the safety lock feature 10 of Linares is assembled and ready for use, there are no features of that device that move axially in a direction parallel to an axis of the shank 28. Linares discloses only rotational motion of the plug 16 and radial motion of the bearings 20 in order to lock or unlock the handle 12. No features of the handle 12 including the shank 28 and handle 26, features of the plug 16 including the recessed and unrecessed portions 44, 90, the spring 18, or bearings 20 move in an axial direction. Furthermore, Linares is completely silent as to a pushing or pulling motion in an axial direction of any of the components of lock feature 10.

Therefore, Linares fails to disclose "the locking member being movable axially between a first position wherein the locking member engages the engagement member so as to restrict rotation of the locking member about the axis, and a second position wherein the locking member is free to rotate about the axis relative to the engagement member," as required by claims 1 and 20, "moving the locking member in a first direction along the axis in a first position relative to the engagement member wherein the locking member engages the engagement member to prohibit rotation of the locking member about the axis, and moving the locking member in a second direction along the axis into a second position relative to the engagement member wherein the locking member is free to rotate about the axis," as required by claim 17, or "pulling the handle in a first direction relative to the engagement member to engage a first portion of the handle with the engagement member, wherein the handle locks relative to the engagement member without rotating the handle about an axis parallel to the first direction," as required by claim 24. In view of the above, Applicant submits that Linares fails to disclose or suggest every limitation of claims 1, 17, 20 and 24, and the claims that depend from them.

§ 103 Rejections

Claims 10, 11, 13-16, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Linares in view of Larson (US 6,655,108). Applicant respectfully traverses this rejection. As discussed above, Linares fails to disclose or suggest every limitation of claims 1 and 20. Larson fails to remedy the deficiencies of Linares as it relates to claims 1 and 20. Therefore, claims 10, 11, 21 and 22 are allowable for at least the reason they are dependent upon an allowable base claim.

As to claims 13-16, Linares fails to disclose or suggest that the shank 28 of the handle 12 is movable in a direction parallel to the axis of the shank. Linares discloses that the handle 12, including the shank 28, is fixed in a predetermined axial position relative to the escutcheon 14 using the nut 74. As a result, the shank is not movable in a direction parallel to the shank axis. Furthermore, the shank 28 disclosed by Linares is not moveable to engage with or disengage from the engagement member (e.g., the escutcheon 14). As discussed above, it is the plug 16 that rotates about the shank axis and the bearings 20 that move in a radial direction relative to the shank axis that are movable in order to either prohibit the shank from rotating or to free the shank to permit rotation. Larson fails to remedy the deficiencies of Linares as it relates to the limitations of claim 13. Therefore, Linares and Larson fail to disclose or suggest every limitation of claims 13-16. Withdrawal of the rejections is respectfully requested.

In view of the above, Applicant requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicant's attorney listed below at 612-371-5387.

Respectfully submitted,

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